

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENJAMIN THOMAS, a/k/a Larry
Johnson, a/k/a Maurice Sabale,

Defendant.

No. CR 07-3034-MWB

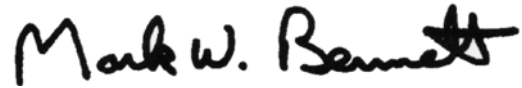
**ORDER REGARDING
DEFENDANT'S MOTION FOR
JUDGMENT OF ACQUITTAL OR IN
THE ALTERNATIVE MOTION FOR
NEW TRIAL**

On August 23, 2007, an indictment was returned against defendant Benjamin Thomas, charging him with being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. §§ 922(g)(1). Trial in this matter commenced on April 21, 2008. On April 23, 2008, the jury returned a verdict in which it found defendant Thomas guilty of the offense charged. Defendant Thomas has filed a motion for judgment of acquittal, pursuant to Federal Rule of Criminal Procedure 29(c), or, in the alternative, a motion for a new trial, pursuant to Federal Rule of Criminal Procedure 33 (#55). Defendant Thomas moves for a judgment of acquittal, or, in the alternative, a motion for a new trial, on the ground that there was insufficient evidence introduced at trial to support defendant Thomas's conviction on the charged offense. The government filed a timely resistance to defendant Thomas's motion. Applying the required standards for consideration of a motion for judgment of acquittal, *see* FED. R. CRIM. P. 29, and a motion for new trial, *see* FED. R. CRIM. P. 33, which this court articulated in *United States v. Ortiz*, 40 F. Supp.

2d 1073, 1079, 1082 (N.D. Iowa 1999), defendant Thomas's motion for judgment of acquittal and alternative motion for new trial are hereby denied.

IT IS SO ORDERED.

DATED this 4th day of June, 2008.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive style with a horizontal line extending from the end of the name.

MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA